80-2166

No._____

Office-Supreme Court, U.S.
FILED
JUN 22 1981
ALEXANDER L. STEVAS,
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1980

Mary Taberoff,

Petitioner,

Equal Employment Opportunity Commission,

Intervenor Respondent

v.

Farmers Group, Inc., and

Farmers Insurance Group, Respondents

Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

---

Mary Taberoff
P.O.Box 272
Kempner, Texas 76539

Mary Taberoff, Pro Se
Telephone: (512) 932-3129

PETITION FOR CERTIORARI

INTRODUCTION

The petitioner, Mary Taberoff, respectfully prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Ninth Circuit and that the Clerk of the Supreme Court of the United States will request the transfer of the complete record; "ORDER ON MOTION FOR STAY OF MANDATE" is granted on or before July 01, 1981 for filing such petition; on the MERITS of the case by Mary Taberoff, Pro Se.

DATE: June 18, 1981 Mary Taberoff

Mary Taberoff
P.O.Box 272,
Kempner, Texas 76539

Telephone: (512)
932-3129

RULE 21

THE PETITION FOR CERTIORARI

.1. The petition for writ of certiorari shall contain, in the order here indicated:

(a) 1. Should Mary Taberoff, sex, female be refused training and promotion to a higher classification for position of a Security Analyst?

Statement: Mary Taberoff belongs to a racial minority; she applied and was qualified for this job for which the employer Farmers Group, Inc., and Farmers Insurance Group was seeking applicants; that, despite her qualifications, she was rejected, sex, female; and that after her rejection, the position remained open and the employer continued to seek applicants from ONLY MALES with similiar or same qualifications except for the pretext of requiring a four year college degree not established as a business necessity.

(a) 2. Should Mary Tabereff, sex, Female have been paid one half as much as males for the work she was doing?

Statement: Mary Tabereff was hired as a Securities Accountant; her work was similiar, the same and same value to company as jobs held by males; as proven by the statistical evidense by the Equal Employment Opportunity Commission in their extensive investigation; and by the private attorneys.

3. Should Mary Tabereff have been fired by the company?

Statement: Mary Tabereff, sex, female was fired for seeking the training and promotion for job of Security Analyst; and for filing with the Equal Employment Opportunity Commission her complaints of sex, female discrimination; and trying to uphold and abide by the Civil Rights Act of 1964 as amended in 1972, TITLE VII.

(a) 4. Was it right for the company to "BLACKBALL", besmirch the name of Mary Tabereff by calling her a "Troublemaker", "Womenlibber" and interfering with her PROSPECTIVE ADVANTAGE to the extent that it was impossible for her to find salaried employment in any field; let alone finance? Statement: Mary Tabereff had at least seventy-five personal interviews for jobs; Finance and lower type jobs all suited to her background in business and work background at Farmers Group, Inc., Farmers Insurance Group; in addition to passing a Life Insurance Exam, and a NASD exam receiving both liscenses; also, the Pacific Stock Exchange exam further proving her qualifications for job of Security Analyst, plus four courses in finance while still employed.

5. Should Mary Tabereff, sex, female a member of the class action be punished and penalized by the various courts be-

(a) 5. (continued) cause Russell Specter, Attorney selected by the Equal Employment Opportunity Commission (NOT HER FREELY SELECTED ATTORNEY) refused to let her speak in the U.S.District Court; and also, penalized because Judge W.P.Gray did not ask Mary Taberoff, sex, female any questions in court at trial?

STATEMENT: Mary Taberoff had no finances to pay for attorneys or any investigation in such a Civil Rights Case that was so important and would entail several years of extensive investigation by the EEOC and private attorneys selected by this same agency; she had no choice ; Mr. Specter was not"freely chosen", and Judge W.P.Gray, U. S. District Judge was blatantly biased when he questioned all males in the courtroom, company witnesses, and not one question to Mary Taberoff, sex, female showing such disparaging treatment and a gross miscarriage of justice.

(a) 6. Should Mary Taberoff be punished, penalized and bereft as a Key Plaintiff in this Class Action from all the investigation by the EEOC and private attorneys showing"pattern and practice" in Farmers Group, Inc., and Farmers Insurance Group in their discriminatory employment practices.

Statement: Mary Taberoff opted out of the money judgment when the case was settled for $1,500,000.00; she accepted the judgment as a Class Representative and went into court on the Merits of her own case under Federal Rule 8 which specifies a "fair, just and speedy trial" which she never get; as the decree was limiting and might have deprived her of "make whole" that Congress intended.

7. Should Mary Taberoff sex, female receive the following: (a) Back pay as a Security Analyst?

(b) Back pay since 1962 for being paid half as much as males?

(c) Cash and Deferred Profit Sharing plus all Investment

(a) 7 (continued) Earnings on same?

(d) Pension as if she had worked for the company for seventeen (17) years?

(e) Interest at the going rate?

(f) Longevity increases, after a five (5) and a ten(10) year work period?

(g) Triple damages for all the "BLACKBALLING" and interfering in her "PROSPECTIVE ADVANTAGE"?

STATEMENT: Mary Tabereff, sex, female was deprived of all the fringe benefits she had worked for ; ten and one-half (10½) years. She was harrassed, intimidated by her supervisors, Wm. Beck, L. Woo, R. Rudy, Treas., R. Hollyfield, Personnel Director and George Maslach, General Counsel because of her professionalism in seeking this promotion and higher classification for job of Security Analyst; and filing with the EEOC; in

(a) 7 continued:
addition to putting deregatory memos in her personnel file to downgrade her as a person, interfering in her work and then "SHE WAS SET UP AND FIRED", in spite of her fine work background and top appraisals in performance showing cooperation as one of her best assets and it was all this downgrading in court that the company got the decision in their favor against Mary Taberoff, sex, female whose personnel file helped win the class action suit, but the courts have deprived Mary of justice under the law as Congress intended.

(a) 8 Can the Courts imagine fifteen thousand employees, the majority females, W. P. Gray District Judge signing the decree in settlement for $1,500,000.00 because of the "Pattern and Practice" in the company's employment discrimination practices and to say that the company discriminated against all females and all minorities except ONE SINGLE FEMALE MARY TABEROFF?

(a) 8. continued:

STATEMENT: In the file of Mary Taberoff, sex, female was stated that their was no training or promotion available for females in the department; a letter in her file by the Farmers Group, Inc., Farmers Insurance Group Law Firm: EARLY, MASLACH, BOYD & LEAVEY, dated:September 11, 1973, stating," , since January 1, 1967, the paperwork form , "Request for Employee", which initiates hiring process, has not contained any reference to sex."; documentary evidence was introduced into court showing the same form they speak about with MALE REQUEST FOR JOB OF SECURITY ANALYST 1970, 1971, 1972; in addition a memo to Mary Taberoff from the Treasurer, R. W. Rudy speaking of the trainees as Security Analyst and then in Court saying that the company had no training for this job.

(a) 9. Was it right for the company to put a college degree requirement for the

(a) 9. continued: job of Security Analyst just because Mary Taberoff, sex, female asked for training and promotion for this higher classification when the other jobs, even higher in classification, same Investment Department did not have the same requirement and was never established that it was a business necessity?

STATEMENT: Evidence was produced in Court showing and verifying that this was used as a pretext ONLY because Mary Taberoff, sex, female asked for this training and promotion for job of Security Analyst. Frank Reinesto, male, did the same work as Mary Taberoff and he was promoted to Security Analyst and then to Sr. Security Analyst; he had no college degree.

(a)10. Is there justice for Irreparable Injury for Mary Taberoff under the law as Congress intended ?

STATEMENT: Farmers Group, Inc. et al, by their actions against me have caused me a great financial loss and ruining my name.

(b) The caption of the case in this Court contains the names of all parties.

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42USC 2000e-5 Enforcement provisions-Power of Commission to prevent unlawful employment practice

(a) The Commission is empowered, as herein-provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 2000e-2 Or 2000e-3of this title. (Ch.21 p. 351, 42 USC)

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396 U.S. 258, 263,90 S.Ct.417,420,24 L Ed 2d 405, 410(1969)

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479 F 2d 354, 379 CA8(1973)

(All of the Authorities in I and II pertain to the Class Action and to Mary Taberoff as an individual) TO ALL QUESTIONS AND STATEMENTS PAGES 1-9 THIS FILING.

(d) Reference:

1. Order on Motion For Stay of Mandate dated June 9, 1981. No.79-33 53.

2. Order denying Petition for Rehearing and the suggestion for rehearing en banc is rejected dated May 28, 1981, NO. 79-3353.

3. Memorandum affirming judgment of United States District Court for the Central District of California, William P. Gray, District Judge, Presiding, dated April 13, 1981, NO 79-3353, D.C.NO.74-1108.

4. Determination by Equal Employment Opportunity Commission dated September 5, 1973.

(e) The jurisdiction of this Court is invoked pursuant to 42 U.S.C. Section 2000e/(f)3, et seq, 28 U.S.C. Sections 2201 and 2202, and 28 U.S.C. Section 1343 (4)

(e) continued: (i) MEMORANDUM Case NO. 79-3353, D.C.NO.74-1108 Filed: April 13, 1981.

(ii) Case NO.79-3353 ORDER DENYING PETITION FOR REHEARING and the suggestion for rehearing en banc is rejected Filed: May 28, 1981. Also, ORDER ON MOTION FOR STAY OF MANDATE Filed: June 9, 1981(to be filed in the Clerk's Office of the Supreme Court of the United States on or before July 01, 1981.)

D.C. CV 74-1108 WPG

(iv)"1254. Courts of appeals; certiorari; appeal; certified questions

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree; "

(f) 42U.S.C. Section 2000e(f)3, et seq. 28 U.S.C. Sections 2201 and 2202, and 28 U.S.C.

(f) continued:
Section 1343 (4). Civil Rights Act 1964 Title VII as amended 1972. (Verbatim in appendix 1(k) of this Rule).

(g) This is a suit in equity authorized and instituted pursuant to Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, 42 U.S.C. Section 2000e, et seq., which provides for injunctive and other affirmative relief against discrimination in employment based on race, color, sex and national origin. (Plaintiffs allege, on their own behalf and on behalf of all others similarly situated:)

(i) 28 U.S.C. Section 1343. "Civil rights and elective franchise

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of

(i) continued: civil rights, including the right to vote....."

REASONS FOR GRANTING WRIT-CIVIL RIGHTS CASE TITLE VII-DISCRIMINATION IN EMPLOYMENT

(j) Mary Taberoff, sex, female is still a member of this class action suit; and this is an important case of National Public Interest and under the laws of Congress is Public Policy, a "right", a Constitutional doctrine, "IMPORTANT PUBLIC LAW ISSUE", and a MERITORIOUS PETITION FOR WRIT OF CERTIORARI AND MOTION TO VACATE THE JUDGMENT BELOW; and this filing is not to delay the case but to seek justice under the law; and she has exhausted every legal channel, ALL TIMELY filings seeking justice and finds herself appealing to the Supreme Court of the United States because the decisions of the lower Courts conflict with the decisions of this Court on these important issues. A full hearing on the MERITS , therefore, should be granted so the Court can vacate judgment.

APPENDIX

(k) 1 (f) VERBATIM:

Wests Annotated California Codes-Labor Code Sec. 1-3200-2 Page 200, #1053:

"Nothing in this chapter shall prevent an employer or agent employee, superintendent or manager thereof from furnishing, upon special request therefor, a truthful statement concerning the reason for the discharge of an employee or why an employee voluntarily left the service of the employer. If such statement furnishes any mark, or sign or other means conveying information different from that expressed by words therein, such fact that such statement or other means of furnishing information was given without a special request thereof is prima facie evidence of a violation of section 1050 to 1053.(Stats. 1937, C.90, P.211 #1053) cross reference(Evid. code #602).

NO. 1054 Violation; civil penalty

" In addition to and apart from the criminal penalty provided any person or

(k) 1 (f) VERBATIM: continued:

No. 1054 continued: agent or officer thereof, who violates any provision of sections 1050 to 1052, inclusive, is liable to the party aggrieved, in a civil action for treble damages. Such civil action may be brought by such aggrieved person or his assigns, or successors in interest without first establishing any criminal liability under this article."(Stats. 1937, C. 90, P.212, 1054).(Misdemeanor defined, see Penal Code #17)

No.1050 Privileges and Immunities

Chapter 4: "Reemployment Privileges-Misrepresentation preventing employment of former employee; misdemeanor. Any person or agent or officer thereof who after having discharged an employee from the service of such a person or after having paid off an employee voluntarily leaving such service, by any misrepresentation prevents or attempts to prevent the former employee

(k) 1(f) VERBATIM: continued: Chapter 4 continued: from obtaining employment is guilty of a misdemeanor." (Stats. 1937, C.90. P.211.No.1050)Cross Reference: Civil Liberty see No. 1054.

No. 1052 Permitting Violation; Misdemeanor

"Any person who knowingly causes, suffers, or permits an agent, superintendent, manager or employee in his employ to committ a violation of sections 1050 and 1051 or who fails to take all reasonable steps within his power to prevent such violation is guilty of a misdemeanor."(Stats. 1937, C.90 P.211 No.1052).

1981 "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other". 42 U.S.C. 1981 Ch.21,P. 210,211;(U.S.C.A. Const. Amend. 14,1,Cr.Ref.)

(k) 1 (f) VERBATIM:

42/ U.S.C. 2000e-3 "Other unlawful employment practices-Discrimination for making charges, testifying, assisting, or participating in enforcement proceedings

(a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining , including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made unlawful employment practice by this subchapter, or because he has made a charge , testified, assisted, or participated in any manner, proceeding, or hearing under this subchapter." (Ch.21, Page 344, 42USC)

28 U.S.C. 2201. Creation of remedy/Chapter

(k) 1 (f) continued: 151- DECLARATORY JUDGMENTS) (Page 412 and 413)

"In a case of actual controversy within its jurisdiction, except with respect to Federal taxes, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have force and effect of a final judgment or decree and shall be reviewable as such." June 25, 1948 ,...Pub.L.85-508, 12(p),72 Stat.349.(All amendments to 1958 listed. I used Central Texas College Law Library which is not 100% up-to-date)

2202. Further Relief

"Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose

(k) 1 (f) continued: rights have been determined by such judgment. June 25, 1948, c. 646, 62 Stat. 964 , Historical and Revision notes et seq.

29CFR 1607.11 Disparate Treatment. Equal Employment Opportunity Commission:

"The principle of disparate or unusual treatment must be distinguished from the concepts of test validation. A test or other employee selection standard - even though validated against job performance in accordance with the guidelines in this part-cannot be imposed upon any individual or class protected by title VII where other employees, applicants or members have not been subjected to that standard. Disparate treatment, for example , occurs where members of a minority or sex group have been denied the same employment promotion, transfer or membership opportunities as have been made available to other employees or applicants. Those employees or applicants who have been denied equal

(k) 1 (f) continued: treatment, because of prior discriminatory practices or policies, must at least be afforded the same opportunities as had existed for other employees or applicants during the period of discrimination. Thus, no new test or other employee selection standard can be imposed upon a class of individuals protected by title VII who, but for prior discrimination would have been granted the opportunity to qualify under less stringent selection standards previously in force". (Page 305 and 306 Title 29, Labor, Rules and Regulations, revised as of January 1, 1971)

29CFR Part 160411(c) FR25024."Sexual Harrassment is an unlawful employment practice (There are many forms of sexual harrassment, sex, female.) Vol. 45 No.219 November 10, 1980, Rules and Regulations. 1604.11a(3): Harrassment on the basis of sex is a violation of Sec.703 of Title VII. (3) such conduct has the purpose or effect

(k) 1 (f) continued: of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment". FR Vol.45 No.219 November 10, 1980, Rules and Regulations.

(i) Copies from the U. S. Court of Appeals from the Ninth Circuit:

1. Order on Motion For Stay of Mandate.

2. Order denying Petition for Rehearing and suggestion for rehearing en banc is rejected.

3. Memorandum affirming judgment of U. S. District court for the Central District of California.

(ii) Determination Letter by the Equal Employment Opportunity Commission.

(iii) Judgment, June 11, 1979 signed by: William P. Gray, United States District Judge against Mary Taheroff.(Volume 3 sent to U.S.Court of Appeals Ninth Cir. Voluminous). Rehearing denied.

(k)
(i) APPENDIX

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED
JUN-9, 1981
Richard H. Deane
Clerk, U.S. Court of Appeals

MARY TABEROFF, Plaintiff/Appellant,) No. 79-3353
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff/Intervenor,) DC CV 74-1108 WPG
vs.
FARMERS GROUP, INC., and FARMERS INSURANCE GROUP, Defendants/Appellees.

ORDER ON MOTION FOR STAY OF MANDATE
(Rule 41 (b) Fed. R. App. P.)

Upon due consideration of appellant motion for stay of the mandate of this Court in the above cause pending the filing, consideration and disposition by the Supreme Court of the United States of a petition for writ of certiorari, such petition to be filed in the Clerk's Office of the Supreme Court of the United States on or before July 01, 1981.

IT IS ORDERED that the motion for stay of mandate be, and the same is hereby granted.*

Richard Chambers
United States Circuit Judge

(k)
(1) * In the event that the motion for stay of mandate and the petition for writ of certiorari are granted, then this stay will continue pending the final disposition of the case by the Supreme Court of the United States.

CA9-003 (12/3/79)

(k)
(i)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
MAY 28 1981
RICHARD H. DEANE
Clerk, U.S. Court of
Appeals

MARY TABEROFF,
Plaintiff-Appellant,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Plaintiff-Intervenor

vs.

FARMERS GROUP, INC., and
FARMERS INSURANCE GROUP,
Defendant-Appellee.

No. 79-3353

ORDER DENYING PETITION FOR REHEARING

Before: CHAMBERS and FARRIS, Circuit Judges, and BILBY, District Judge.

The panel as constituted above has voted to deny the petition for rehearing. Judge Farris has voted to reject the suggestion for rehearing en banc and Judges Chambers and Bilby have recommended rejection of the same.

The full court has been advised of the suggestion for rehearing en banc and no judge of the court has requested a vote on the

(k) (1)suggestion for rehearing en banc. Fed. R.App.P.35(b).

The petition for rehearing is denied and the suggestion for rehearing en banc is rejected.

(k)(1)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED APR 13 1981
RICHARD H.DEANE
Clerk,U.S.Court
of Appeals

MARY TABEROFF, et al., Plaintiffs,	No. 79-3353
and	No. 79-3578
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff-Intervenor-Appellee,	DC No. 74-1108
vs.	
FARMERS INSURANCE GROUP, et al., Defendants-Appelles,	MEM-ORAN-DUM
vs.	
EVA GASKILL, LUPE GUTIERREZ, EDITH VOLKER, MARY TORRES and VIRGINIA ALEXANDER, Appellants.	

Appeal from the United States District Court for the Central District of California William P.Gray, District Judge, Presiding

Before: CHAMBERS and FARRIS, Circuit Judges and BILBY*, District Judge

These cases arise out of a class action suit initiated under Title VII,

(k) (i) 42 U.S.C. 2000e et seq. against various companies managed by Farmers Group. The complaint alleged various practices and patterns of discrimination against various minority groups. The Equal Employment Opportunity Commission intervened on behalf of the plaintiff class as an additional plaintiff.

---

* Honorable Richard M. Bilby, United States District Judge, District of Arizona, sitting by designation.

No.79-3578

FOR JUDICIAL ECONOMY I AM NOT RECORDING AS IT IS A COMPLETELY DIFFERENT TYPE OF CASE EVEN THOUGH IT STEMS FROM THE ORIGINAL.

NO.79-3353

Appellant Mary Taberoff, one of the original plaintiffs "opted out" of the settlement and proceeded to trial on the merits of her own individual claim.

The district court at conclusion of appellant's case granted the Farmers Group' motion to dismiss. The court specifically found:

(k) (i) 19. Taberoff was not qualified for the Securities Analyst position she sought, and that therefore she was not denied a promotion because of her sex.

20. Taberoff had presented no evidence in support of her claim that the pay she received for her duties was any different from that received by mail employees in her office for performing duties requiring the same skill , effort and responsibility.

21. Taberoff's termination by Farmers was justifiable and was not for discriminatory or retaliatory reasons.

22. Farmers did not retaliate or discriminate against Taberoff when she sought other employment.

An exhaustive review of the evidence properly before the district court indicates that there was substantial evidence supporting the court's findings.

Appellant raises a new issue on appeal, claiming she was prejudiced by her counsel not allowing her to testify. This tactical

(k) (i)

decision made by her freely chosen counsel does not constitute grounds for reversal. Polizzi v. United States,550 F 2d 1133 (9th Cir. 1976); Kuhl v. United States, 370 F 2d 20(9th Cir. 1966) (en banc).

We AFFIRM both cases.

(k) (ii) Inv.Anderson, Betty R.
Equal Employment Opportunity Commission
1543 West Olympic Boulevard,Suite340
Los Angeles, California 90015

CERTIFIED MAIL SEP 5 1973
RETURN RECEIPT REQUESTED

In reply refer to:
CaseNo. YLA4 001
Charge No. TLA0 0780

Mary Taberoff
9305 Charleville Boulevard
Beverly Hills, California 90054 Charging Party

Farmers Insurance Group
4680 Wilshire Blvd.
Los Angeles, California 90054 Respondent

DETERMINATION
(BECAUSE OF JUDICIAL ECONOMY I AM ONLY SHOWING A FEW EXCERPTS)

".....Respondent Employer states that Charging Party was not promoted because she lacked the necessary background, i.e. a college degree, for the position of Security Analyst." P. 1 Para.3

"Respondent's records contained a Requestfor Employee dated May 18, 1971 for a "Sr. Securities Analyst." However, the abbreviation "Sr" and "#5734" are in handwriting while the other information has been typed. The word "Replacement" has been marked with an "x" and on that line also appears "Male" and "Female" and an "X"appears next to "male". Respondent admits that there has never been a female employed in the Security Analyst's position."P.2 Para.1

" The evidence shows that Charging Party requested, in writing, a promotion to the

(k) (ii)

Security Analyst position in March 1968. Charging Party'spersonnel folder contains a memo written by a Respondent Employer official which states, in part:

> "(Charging Party) has on previous occasions requested on opportunity to become a Financial Analyst in the Investment Department. I had explained to her that I was sorry she did not meet our qualifications for the position. I explained again to her that I was now seeking a male senior analyst with 3 to 5 years experience who could give us immediate assistance and could be trained as a possible backstop for me. I explained that she did not qualify by reason of education or experience.". P 2, Para.3

"Records show and Respondent Employer admits that it did promote a male to the Security Analyst position who did not have a college degree. This man and Charging Party have similiar employment background with Respondent Employer." P.2,Para.4

"Based on the foregoing , we find reasonable cause to believe that Respondent has excluded females as a class from the Security Analyst position, and that Charging Party was denied a promotion to that position because of her sex." P.3 Para 5

(k) (iii) 'Because of Judicial Economy top listed Defendant's attorneys left out, Mary Taberoff, personally, never presented any evidence)

LODGED Apr 25 1979
FILED JUN 11 1979
Clerk, U.S.District Ct.
Central Dist. of Calif.
By Deputy

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARY TABEROFF, Plaintiff,	Civil Action No.74-1108-WPG
v.	
FARMERS GROUP, INC., Defendant.	JUDGMENT

MICROFILMED
JUN 18 1979

The within matter having been tried by this Court sitting without a jury on April 10 and 11, 1979, before the Honorable William P. Gray, United States District Judge; Gibson, Dunn & Crutcher by Jack H. Halgren, appearing as counsel for defendent; Russell Specter appearing as counsel for plaintiff, the Court having heard and considered all of the evidence presented by and on behalf of plaintiff and defendant having observed the demeanor of the witnesses, having considered all briefs of counsel and the pretrial order and other matters herein, having heard and considered the arguments of counsel, the Court being fully advised in the premises, and having made

(k) (iii) its Findings of Fact and Conclusions of Law, directing that judgment be entered herein in accordance with said Findings of Fact and Conclusions of Law;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the First Amended Complaint in the within action, and each and every claim for relief therein, as said Complaint and claims relate to the individual case of Mary Taberoff, be and hereby is dismissed, and that plaintiff Mary Taberoff take nothing by this action.

2. That each party shall bear its own costs of suit incurred herein.

DATED June 11, 1979

William P. Gray
United States District Court

(NOTE: Mary Taberoff filed with EEOC April, 1970
U.S.District Court Approx. April, 1974
(1970 to June 1981, over 11 years)

APPENDIX

(k) (iv) OTHER APPENDED MATERIALS

(Because of Judicial Economy only excerpts will be listed: ALL PART OF THE RECORD)

1. September 11, 1973

Lorenzo H. Traylor, Director
Equal Employment Opportunity Commission
1543 West Olympic Blouevard
Los Angeles, California 90015

Re: Case No. YLA4 001
Charge No. TLA0 0780

Mary Taberoff, EEOC
Letter of Determination, dated September 5, 1973

Dear Mr. Traylor:

"Farmers does not contend that the security analyst job is for males only. All jobs at Farmers are open to all qualified candidates. Further, since January 1, 1967 the paperwork form, "Request for Employee", which initiates the hiring process, has not contained any reference to sex." P. 1 Para. 3

Very truly yours,
EARLY, MASLACH, BOYD & LEAVEY

By:
Thomas A. Hoffman

(NOTE: Mary Taberoff has two forms attached PART OF RECORD)

REQUEST FOR EMPLOYEE

Classification & Number Securities Analyst #5321A Department Investment

Date Needed June 8, 1970 Date Requested June 1, 1970

Additional Employee x Temporary (How Long) 6-8 to 8-22, 1970 Summer Day x Night Part Time

Replacement Male x Female

Qualifications B.A.

Employee { Off Payroll / Transferred / Leave of Absence } Name

Age Employed Date

{ Requested by or Leaving from Dept. on Reason

Replacement Approved By

Requested by: Dept. Head

Additional Employees Approved By

E. G. McElroy for R. W. Rudy

Replaced by James T. Bridwell

Turnover count Date 6/8/70

PERSONNEL DEPT. COPY

PERS-180 2-61 1161 62 PRINTED IN U.S.A.

REQUEST FOR EMPLOYEE

Classification & Number 5451A ~~5321A~~ Securities Analyst Department Equities Investment

Date Needed _____ Date Requested _____

Additional Employee _____ Temporary (How Long) _____ Day _____ Night _____ Part Time _____

Replacement X Male X Female _____

Qualifications _____

Employee { Off Payroll / Transferred / Leave of Absence } James Birdwell (Name)

Age _____ Employed Date 6-8-70

{ Requested by or Leaving from Investment Dept. on 5-28-71 Reason Other employment (see attached)

Replacement Approved By _____ Requested by AM

Dept. Head

Additional Employees Approved By _____ Replaced By Frank Magallen 2/14/72

Turnover count _____ Date _____

PERSONNEL DEPT. COPY

PERS-100 2-61 1161 PRINTED IN U.S.A.

Personnel Dept.
Farmers Insurance Group

APPENDIX

(k) (iv)
2. FARMERS INSURANCE GROUP

APPRAISAL OF PERFORMANCE AND DEVELOPMENT
(Clerical)

Name: Mary Taberoff Dept. Investment
Date 3-18-63

Job Title and #Securities Accountant #0720
Date entered
This job: 1-2-62

Employment Date: 1-2-62 Office:LAHO
Previous
Job same

1. Summarize employee's over-all performance. The employee is Initiative and Very Cooperative. Has good knowledge of the Job Classification. Very Accurate with Figures For First Year on Job Classification. Cooperation is Her Big Asset.

2. Are there established performance standards for this job? NO

3. What were employee's quantitative achievements? The Employee is able to complete Reports within Above Average time required. Performs duties in job Classification with above average speed.

3. What were employee's qualitative achievements? Very Accurate on Reports Required on job Classification. Is very Responsible when delagated to proof read type written reports & etc.

5. Does employee wish to progress to a higher job level? N/A (BECAUSE NO OTHER HIGHER JOB CLASSIFICATION FOR FEMALE EMPLOYEE's AVAILABLE IN THE DEPT.)
If yes, does employee have the potential?

(k) (iv)

6. Is employee being trained for work in a higher level? N/A

7...

8. When will this training be completed? N/A

PROBATION EMPLOYEE PROGRESS REPORT

4/2/62

Name Mary Taberoff Dept. Treasurers Investment

Date employed 1/2/62 Classification #0931

Quantity of work	Above average producer
Quality of work	Very neat and accurate
Cooperation	Unusually cooperative
Dependability	Very reliable and conscientious, needs little supervision
Ability to learn	Readily understands and retains
Initiative	Outstanding
Judgment	Decisions most logical and well founded

NOTE: If employee is rated below average on any of the above factors, please outline the details on which you based your decision.

N/A

REVIEW....

Reviewed with Employee on 4-10-62

Manager (signed) Larry Woo (signed) Supervisor

(k) (iv)
FILED BY EEOC 11-13-75; THIS PAGE FROM EXCERPT A-1: PART OF RECORD:

(4) " IN 1974, the average monthly salary for women was $500 while the average monthly salary for men was $1035, more than double that of women. In 1973 and 1972, the average salary of male employees was also more than double the average salary of female employees."

FARMERS INSURANCE GROUP
JOB DESCRIPTION
SECURITIES ANALYST EQUITIES
Department #710 Salary Grade and Job No. 5451A - HO

QUALIFICATIONS
EDUCATION

College Degree - Business or Finance Major-MBA preferred.

Mim 1550 11/62

SECURITIES ANALYST BONDS 5452 A-HO
NO QUALIFICATIONS LISTED

SECURITIES ACCOUNTING SECTION SUPERVISOR 5453E - HO
NO QUALIFICATIONS LISTED

SENIOR SECURITIES ANALYST - EQUITIES 5734A - HO
NO QUALIFICATIONS LISTED

SENIOR SEC.ANALYST - BONDS 5735A-HO
NO QUALIFICATIONS LISTED

CONCLUSION

Irreparable injury has been committed against Mary Taberoff, sex, female by the Officers and Supervisors of Farmers Group, Inc., et al; wherefore, I pray this Court advance this case on the docket, order a speedy hearing at the earliest practicable date, vacate judgment, and compensate and "make whole" as Congress intended. The lower Court by it's decision has threatened the economic survival of millions of women and minorities in employment discrimination.

Thank you.

DATE June 18, 1981 Mary Taberoff

Mary Taberoff, Pro Se

(Note: If the writ is granted, I will abide by the rules of the Court and mail copy and notice to Respondent's attorney:

Jack H. Malgren, Attorney
Gibson, Dunn and Crutcher of Counsel
2029 Century Park East
Los Angeles, California 90067

and also, to: EEOC., Legal Div., Wash. D.C.

DATE: June 18, 1981 Mary Taberoff

Mary Taberoff, Pro Se

I, Mary Taberoff, Pro Se, under the penalty of perjury, hereby testify that everything that is in the request for writ of certiorari is true and correct to the best of my knowledge and all copies have been put in proper envelope, sealed and mailed from United States Post Office, Lampasas, Texas.

DATE: June 8, 1981 Mary Taberoff

MARY TABEROFF, PRO SE
P.O.Box 272,
Kempner, Texas 76539

Telephone:
(512) 932-3129

Sworn to and subscribed by Mary Taberoff, a credible person, before me, on this 18th day of June A.D. 1981.

Frances Porter

Frances Porter - Notary Public in and for the County of Lampasas, Texas

Commission expires 4-13-85

FILED
JUL 27 1981
ALEXANDER L. STEVAS,
CLERK

No. 80-2166
IN THE

Supreme Court of the United States

October Term, 1981

MARY TABEROFF,
Petitioner,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Intervenor,

vs.

FARMERS GROUP, INC., and FARMERS INSURANCE GROUP,
Respondents.

On Petition for a Writ of Certiorari
to the United States Court of
Appeals for the Ninth Circuit.

RESPONDENT'S BRIEF IN OPPOSITION.

MICHAEL D. RYAN,
GIBSON, DUNN & CRUTCHER,
2029 Century Park East, Suite 4100,
Los Angeles, Calif. 90067,
(213) 552-8500,
Attorneys for Respondent,
Farmers Group, Inc.

Jack H. Halgren
Of Counsel

Parker & Son, Inc., Law Printers, Los Angeles. Phone 724-6622

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No. 80-2166

IN THE

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October Term, 1981.

MARY TABEROFF,

Petitioner,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Intervenor,

vs.

FARMERS GROUP, INC., and FARMERS INSURANCE GROUP,

Respondents.

RESPONDENT'S BRIEF IN OPPOSITION.

The Respondent, Farmers Group, Inc.,* respectfully requests that this Court deny the Petition for Writ of Certiorari seeking review of the Ninth Circuit's opinion in this case. The opinion, as it relates to Petitioner's action, is set forth at pages 31A-34A of the Petition.

*Prematic Service Corporation and FIG Holding Company are non-wholly owned subsidiaries of Farmers Group, Inc.

REASONS WHY THE WRIT SHOULD BE DENIED.

I.

Petitioner Has Not Presented Any Special or Important Reasons Justifying Review by the United States Supreme Court.

Rule 17 of the Rules of the Supreme Court of the United States sets forth the type of cases in which this Court will exercise its discretion to review a federal court of appeals decision. A reading of the Petition clearly demonstrates that the issues for which review is sought are not of the character which would justify review.

Although Petitioner lists some ten items as being the questions presented, all of these items fall into two categories for purposes of reviewing this Petition. First, should this Court utilize its limited resources to review factual and credibility determinations made by the District Court and affirmed as being supported by the evidence by the Court of Appeals for the Ninth Circuit? Second, should the decisions made by Petitioner's trial counsel as to the witnesses to be called and the evidence to be presented at trial be permitted to serve as the basis for invalidating the District Court's decision? It is submitted that the answer to both of these questins is in the negative and that no basis exists for granting the review sought by Petitioner.

II.

Factual and Credibility Findings Made by the District Court Do Not Provide a Basis for Review.

After two days of trial to the court, Petitioner rested her case and the District Court granted Respondent's motion to dismiss the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The District Court's Findings of Fact and Conclusions of Law, not submitted with the Petition, appear as an Appendix hereto. Relying upon exten-

sive testimony and exhibits, the District Court made detailed Findings of Fact (¶s 6-18) relative to Petitioner's lack of qualifications for the Securities Analyst position she sought. An unqualified employee need not be promoted. *See, e.g., East Texas Motor Freight System, Inc. v. Rodriguez*, 431 U.S. 395, 403 n. 9, 97 S.Ct. 1891, 52 L. Ed. 2d 453 (1977); *Teamsters v. United States*, 431 U.S. 324, 369 n. 53, 97 S.Ct. 1843, 52 L. Ed. 2d 396 (1977).

Although Petitioner may believe she was not paid appropriately while she was employed with Respondent, it was Petitioner's burden to come forward with some evidence of the alleged pay differential between herself and male employees at the time of trial, a burden which she did not carry. As the court stated in *Di Salvo v. Chamber of Commerce of Greater Kansas City*, 416 F. Supp. 844, 852 (W.D. Mo. 1976): "Determination of plaintiff's Title VII claim requires analysis of two considerations. First, plaintiff has the initial burden of establishing that defendant discriminated against her in compensation on the basis of her sex. If plaintiff fails to carry that burden, the inquiry ends and the defendant prevails." The District Court found and the Court of Appeals affirmed that no evidence of any kind was offered by Petitioner at the time of trial on the wage disparity issue.

As in the case of the promotion issue, the District Court heard and considered extensive testimony and documentary evidence as to the basis for Petitioner's termination. The factual and credibility findings in the Findings of Fact (¶s 21-32) fully supported the District Court's determination that Petitioner's termination was not for discriminatory or retaliatory reasons.

Finally, Petitioner offered no credible evidence at the time of trial that Respondent retaliated or discriminated against Petitioner in seeking other employment. As in the

case of the other issues, the Court of Appeals for the Ninth Circuit found this determination to be adequately supported by the record.

It is submitted by Respondent that Petitioner is seeking review of factual and credibility findings of the District Court which have been found to be adequately supported by the Ninth Circuit and that such a review is neither warranted nor appropriate.

III.

The Asserted Shortcomings of Petitioner's Counsel Do Not Justify Invalidating the District Court's Decision.

For the first time after Petitioner rested her case and received an adverse ruling, Petitioner questioned the tactics of her counsel. In particular, Petitioner complains that she was not called as a witness. In civil litigation such as an action which forms the basis for the Petition, litigants are bound by the acts and omissions of their attorneys. *Link v. Wabash R. Co.*, 370 U.S. 626, 82 S.Ct. 1386, 8 L. Ed. 2d 734 (1962). In *Link*, this Supreme Court upheld a dismissal for failure to prosecute which had been entered by the court on its own motion after plaintiff's counsel failed to appear for a scheduled pretrial conference. The plaintiff complained that he should not be penalized for his counsel's actions. This Court dismissed this objection by stating:

> There is certainly no merit to the contention that dismissal of petitioner's claim because of his counsel's unexcused conduct imposes an unjust penalty on the client. Petitioner voluntarily chose this attorney as his representative in the action, and he cannot now avoid the consequences of the acts or omissions of this freely selected agent. Any other notion would be wholly inconsistent with our system of representative litigation, in which each party is deemed bound by the acts of

his lawyer-agent and is considered to have "notice of all facts, notice of which can be charged upon the attorney." Smith v. Ayer, 101 US 320, 326, 25 L ed 955, 958.

Link v. Wabash R. Co., 370 U.S. 626, 633-34, 82 S.Ct. 1386, 8 L. Ed. 2d 734.

In a footnote, this Court added that if an attorney's conduct falls substantially below what is reasonable under the circumstances, the client's remedy is a lawsuit against the lawyer, and that reopening the case would unjustly penalize the defendant for plaintiff's lawyer's mistakes. 370 U.S. 626, 634, n. 10. *See also: Polizzi v. United States*, 550 F.2d 1133 (9th Cir. 1976); *Kuhl v. United States*, 370 F.2d 20, 27 (9th Cir. 1966); *Universal Film Exchanges, Inc. v. Lust*, 479 F.2d 573, 577 (4th Cir. 1973); *Johnson v. Town of Babylon, N.Y.*, 78 F.R.D. 337 (D.C. N.Y. 1978).

Petitioner had counsel at trial, and she should not be allowed to reopen the case because certain decisions were made as to the trial of the action with which she belatedly expressed disagreement only after judgment had been rendered against her. "[T]he merits or demerits of an attorney's representation in a civil action are not grounds for invalidating a verdict." *Bury v. McIntosh*, 540 F.2d 835, 836 (5th Cir. 1976).

Conclusion.

The United States Court of Appeals for the Ninth Circuit upheld the District Court's Findings of Fact on the promotion, equal pay, termination and retaliation questions as being adequately supported by the evidence before the District Court. The trial court's findings of fact are to be reversed only when they are "clearly erroneous." Rule 52(a), Fed. R. Civ. Proc.; *Lundgren v. Freeman*, 307 F.2d 104 (9th Cir. 1962); *Smith v. James Irvine Foundation*, 402 F.2d 772, 775 (9th Cir. 1968), *cert. denied*, 394 U.S. 1000.

It is submitted by Respondent that the District Court's Findings of Fact were fully supported by the record. It is further submitted that the Ninth Circuit's ruling against Petitioner on her argument that the trial tactics of her counsel in not calling her as a witness required a reversal of the trial court's decision was legally correct. Under these circumstances, no basis exists for granting Petitioner a Writ of Certiorari.

Respectfully submitted,

MICHAEL D. RYAN,
GIBSON, DUNN & CRUTCHER,
Attorneys for Respondent,
Farmers Group, Inc.

JACK H. HALGREN
Of Counsel

APPENDIX

APPENDIX.

Findings of Fact and Conclusions of Law.

United States District Court, Central District of California.

Mary Taberoff, Plaintiff, v. Farmers Group, Inc., Defendant. Civil Action No. 74-1108-WPG.

Filed: June 11, 1979.

This matter was tried by the Court sitting without a jury on April 10 and 11, 1979. At the conclusion of plaintiff's case, defendant moved the Court to dismiss the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. This Court, having heard and considered all of the evidence presented by and on behalf of plaintiff and defendant, having observed the demeanor of the witnesses, having considered the credibility of the testimony offered, having considered all briefs of counsel and Pretrial Conference Order and other matters herein, having heard argument of counsel, and being fully advised in the premises, finds and concludes as follows:

FINDINGS OF FACT

1. This is an action for damages and injunctive relief based upon alleged violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* (hereinafter "Title VII") based upon sex.

2. Plaintiff, Mary Taberoff, is a female and a United States citizen. Plaintiff was first employed by defendant Farmers Group, Inc. (hereinafter "Farmers") on approximately January 2, 1962. She was employed in the capacity of Bond Accountant from 1962 to 1968 and in the capacity of Stock Accountant from 1968 until approximately May 15, 1972. Plaintiff worked in the Investment Department

at the Home Office of Farmers in Los Angeles during the entire period from January 1962 through May 1972.

3. Defendant, Farmers, is a corporation having its principal place of business within the Central District of California. At all times relevant hereto, defendant was an employer covered by the provisions of Title VII of the Civil Rights Act of 1964.

4. Plaintiff, Mary Taberoff, at all times relevant hereto resided within the Central District of California.

5. Plaintiff filed this lawsuit on April 23, 1974, together with three other named plaintiffs on behalf of themselves individually and others similarly situated. On August 21, 1975, the Court certified a class in connection with the litigation. In December of 1977, the defendants made an Offer of Judgment under Rule 68 of the Federal Rules of Civil Procedure. The Offer of Judgment was accepted on behalf of the class and the three individual plaintiffs other than Mary Taberoff, resulting in the final entry of a Decree on July 7, 1978. Plaintiff, Mary Taberoff, elected not to accept the Offer of Judgment and to have her individual case tried on the merits.

PROMOTION CLAIM

6. Securities Analysts working for Farmers analyze companies and make oral and written recommendations as to the advisability of purchasing, retaining or selling the stocks of those companies.

7. In looking for entry level Securities Analysts, the Company seeks individuals with a college degree and prefers individuals who have majored in finance, economics or accounting and who have a Masters of Business Administration.

8. The college degree requirement for the Securities Analyst position was established at least four years prior to

plaintiff's initial employment with Farmers in 1962. Considerations of sex were not involved in establishing the requirement. All Securities Analysts hired by Farmers after the degree requirement was established have held college degrees.

9. Mr. Richard Rudy, Vice President and Treasurer of Farmers, testified and the Court credits his testimony that a person with a college degree has received exposure and experience in organization, planning, intellectual discrimination, making decisions and may have some experience with economics, accounting and the profit motive. Mr. Rudy testified and the Court credits that these and other experiences obtained in securing a college degree are related to performance as a Securities Analyst. The Court is also of the view that an individual who has attended college is exposed to social contact with a variety of people, the social graces and getting along with others as well as how to communicate orally and in writing. The Court finds that a college degree is a job-related screening device for the Securities Analyst position.

10. The Court finds that the following abilities or characteristics are necessary for an individual to be qualified for an entry-level Securities Analyst position at Farmers: (a) exercising good judgment and common sense; (b) a stable personality and flexible intellect; (c) the ability to recognize that one may be wrong; (d) the ability to interact well with other people; and (e) the ability to communicate effectively in writing and orally. These abilities or characteristics are central to the job functions and successful performance of a Securities Analyst. Mr. Rudy offered uncontroverted testimony which the Court credits as to how each of these abilities or characteristics is involved in and central to the daily functioning of a Securities Analyst.

11. The plaintiff first sought a promotion to the position of Securities Analyst in about 1968.

12. Ms. Taberoff does not have a college degree. Ms. Taberoff graduated from high school in 1943 and did not pursue any further education which might be considered to be related to the Securities Analyst position until 1970 when she took two four-unit classes in investments and stock market functions at UCLA Extension in which she received a D and C, respectively.

13. Ms. Taberoff's work experience prior to joining Farmers was as a salesperson and a light bookkeeper. The Bond Accountant and Stock Accountant positions held by Ms. Taberoff while employed at Farmers involved routine clerical functions recording information concerning the purchases and sales of bonds and stocks. Ms. Taberoff's job functions at Farmers did not require the exercising of independent judgment or involve any analytical work.

14. Neither Ms. Taberoff's formal education nor her work experience qualified her for a Securities Analyst position.

15. Quite apart from formal education or work experience, the testimony of Mr. Rudy, Mr. Woo and Mr. Bock, which the Court credits, as well as the documentary evidence submitted at trial, demonstrated that Ms. Taberoff did not possess the abilities or characteristics found by the Court in Paragraph 10, *supra*, to be necessary to be qualified for an entry-level Securities Analyst position:

a. The record reflects in many places that Ms. Taberoff lacked the essential element of using good judgment and common sense. A few of the many examples of incidents indicating a lack of good judgment and common sense include:

1) At a 1967 meeting with Farmers' corporate counsel, Mr. George Maslach, Ms. Taberoff advised Mr. Maslach that she had some program going with the government but that she was not going to disclose the plan to anyone until she was paid $1,000,000 for it;

2) After Farmers had received complaints concerning Ms. Taberoff's calling inappropriate people at brokerage houses to check on delays in receiving stock certificates and using threatening language, it was decided that future calls should be made by Ms. Taberoff's supervisor. Ms. Taberoff's reaction was that if the function was going to be a supervisor's in the future she should be compensated at the supervisor's rate of pay for having made the calls in the past; and

3) On one occasion Ms. Taberoff observed some paperwork in a wastebasket which she incorrectly thought should not have been thrown away. Rather than initially approaching the person in whose wastebasket she found the material to attempt to clear up the matter, Ms. Taberoff took the material to her supervisor and accused her fellow employee of wrongdoing.

b. The record reflects a number of incidents which would justify Farmers' conclusion that Ms. Taberoff did not possess a stable personality and a flexible intellect. Exhibits A-31, A-32, A-34, A-35, A-40, A-41, A-44, A-48, A-61, A-62, A-64 and A-65, among other things, reflect accusations of work sabotage against coworkers, supervisors, and other departments; friction with coworkers; inability to accept supervision; asserted work and non-work-related conspiracies;

telephone bugging; inability to accept criticism; and the like.

c. Ms. Taberoff lacked the ability to recognize that she could be wrong. The uncontroverted testimony of Mr. Rudy and one of Ms. Taberoff's former supervisors, Mr. Larry Woo, as well as a number of exhibits, demonstrated Ms. Taberoff's problems in this area. Examples of Ms. Taberoff's inability to admit she could be mistaken include:

   1) An incident when plaintiff incorrectly recorded certain stock transfers involving the pension plan holdings of a company affiliated with Farmers; when advised of the correct way to record the stocks by her supervisor, Mr. William Bock, Ms. Taberoff refused to accept Mr. Bock's explanation, went to the head of the Department, Mr. Rudy, and argued the matter further with him after he had confirmed Mr. Bock's instructions;

   2) When Ms. Taberoff was counseled about calling the wrong people in brokerage houses concerning stock certificates, she initially refused to acknowledge that she had made the calls and asserted that it must have been someone else's fault; and

   3) Numerous exhibits reflect situations in which Ms. Taberoff demonstrated an inability to accept criticism or to recognize that she might have made a mistake.

d. Ms. Taberoff was not able to interact well with others. Exhibits from plaintiff's personnel file, including many of those mentioned in Paragraph 15b, *supra*, demonstrate that she had great difficulty getting along with her supervisors and coworkers. She continually

complained that Mr. Rudy, Mr. Woo, Mr. Bock and others in and outside of her department were harassing her and interfering with her work. She was unable to cooperate with coworkers to get the department's work accomplished. Ms. Taberoff's inability to interact well with others seemed to arise most often when she became involved in areas outside the routine functions of her own job.

e. Ms. Taberoff could not communicate effectively in writing or orally. A review of the Exhibits from Ms. Taberoff's personnel file which were written by her did not reflect an adequate writing ability. Moreover, a number of Exhibits reflect difficulties various employees of Farmers had in oral communication with Ms. Taberoff. One memorandum prepared by counsel for Farmers, Mr. Maslach, indicates that after meeting with Ms. Taberoff for several hours he still was not sure of what she was proposing or how it was to be accomplished.

16. Although plaintiff received high ratings on her personnel evaluations, these ratings reflected only that plaintiff was able to adequately perform the routine tasks of her job as a Bond or Stock Accountant. Furthermore, Farmers often gave overly-generous ratings to employees.

17. Farmers at one time promoted one individual without a college degree, Frank Reinesto, to the position of Securities Analyst. Mr. Reinesto's promotion occurred well before plaintiff was hired by Farmers and before the requirement for a college degree had been formalized. Mr. Reinesto's promotion came at a time when the Investment Department consisted of two people and after years of daily interaction with the then Securities Analyst, Mr. Rudy. Mr. Reinesto did pursue a number of investment courses, and the gaps in his educational background were the subject of

numerous counseling sessions with Mr. Reinesto over the years. Moreover, the college degree requirement may well have been the result of the Company's experience with Mr. Reinesto.

18. From the foregoing facts, the Court concludes that Ms. Taberoff was unqualified for the Securities Analyst position to which she sought a promotion. Ms. Taberoff was not qualified for the position by education or experience. Ms. Taberoff did not possess the abilities or characteristics necessary for a Securities Analyst and was unqualified for the position on this basis.

19. Since plaintiff was not qualified for the Securities Analyst position, she was not denied a promotion because of her sex. Farmers had legitimate reasons for its failure to promote plaintiff.

EQUAL PAY

20. Plaintiff presented no evidence whatsoever that the pay she received for her duties was any different from that received by male employees in her office for performing duties requiring the same skill, effort and responsibility.

TERMINATION

21. Ms. Taberoff made all kinds of accusations over a period of years that various people within and outside of the Investment Department were out to get her. Ms. Taberoff made a number of accusations against her supervisor, Mr. Bock. The Court finds no basis for these accusations.

22. In approximately April 1972, plaintiff's supervisor Mr. Bock instituted a program in the Investment Department whereby the two Stock Accountants in the Department would cross-train each other on their duties. Plaintiff was to be trained on pricing a mutual fund, and she was to transfer some of her work to the other Stock Accountant.

23. The cross-training was discussed with the Stock Accountants, including Ms. Taberoff, and the Bond Accountants, who were also involved in the program, before cross-training began. Ms. Taberoff did not raise any objection to the cross-training program.

24. Plaintiff received instructions on pricing the mutual fund during a period of approximately one month. Ms. Taberoff never indicated to her coworkers or to her supervisor, Mr. Bock, that she could not perform the new job tasks. On Friday, May 5, 1972, Ms. Taberoff told Mr. Bock that she was ready to price the mutual fund by herself, and she requested that Mr. Bock assign her the task.

25. On Monday, May 8, 1972, Mr. Bock asked plaintiff to do the mutual fund work. She refused to do it and complained that Mr. Bock was harassing her.

26. On Tuesday, May 9, 1972, Mr. Bock again asked plaintiff to do the mutual fund work. Ms. Taberoff reluctantly performed part of the work with Mr. Bock's help after debating the matter with Mr. Bock.

27. On Wednesday, May 10, 1972, Mr. Bock asked plaintiff to do the mutual fund work. She refused to do the work.

28. In view of plaintiff's refusal to perform the work he requested her to do, Mr. Bock recommended to his supervisor, Mr. Woo, on May 10, 1972 that plaintiff be terminated on grounds of insubordination.

29. On Thursday, May 11, 1972, Mr. Bock had not received a response from Mr. Woo and he again asked plaintiff to do the mutual fund work, and again she refused.

30. On May 11, 1972, Mr. Rudy and Mr. Woo decided that plaintiff should be given one more opportunity to do the mutual fund work and informed Mr. Bock to give Ms. Taberoff a written direction to price the mutual fund.

31. Plaintiff was not at work on Friday, May 12, 1972. On Monday, May 15, 1972, Mr. Bock again asked plaintiff to do the mutual fund work. He presented her with a written memorandum requesting that she do the work. Plaintiff threw the memorandum in the wastebasket and refused to do the work. Ms. Taberoff was terminated.

32. There is no evidence that plaintiff's superiors or coworkers harassed her or made it difficult for her to do her job.

33. Based upon the foregoing facts, plaintiff was justifiably terminated. Ms. Taberoff was not fired for discriminatory or retaliatory reasons.

RETALIATION

34. The only evidence presented which might arguably indicate that Farmers discriminated against plaintiff in any way after her termination was an Affidavit executed by a Ms. Hendrick. The Affidavit states that when Ms. Hendrick called Farmers for a job reference on plaintiff, a Farmers employee told Ms. Hendrick that plaintiff was a troublemaker and a "women's libber." Subsequently Ms. Hendrick executed a counteraffidavit which stated that she had signed the initial Affidavit after repeated pressure from Ms. Taberoff at a time when she was under the stress of an impending operation and while taking medication and that she did not recall nor had she ever been able to recall contacting anyone at Farmers concerning a reference for Ms. Taberoff. Ms. Hendrick was not called as a witness. In view of the counteraffidavit and Ms. Hendrick's not being present to testify, the initial Affidavit signed by Ms. Hendrick was disregarded by the Court.

35. The Court finds that Farmers did not retaliate or discriminate against Ms. Taberoff after her termination in connection with Ms. Taberoff's seeking other employment.

36. To the extent that any of the following Conclusions of Law also constitute Findings of Fact, they are deemed to have been so found by the Court and are incorporated herein.

CONCLUSIONS OF LAW

1. This Court has jurisdiction of the parties and the subject matter under 42 U.S.C. §2000e-5(f)(3), 29 U.S.C. §§2201 and 2202, and 28 U.S.C. §1343(4).

2. None of the claims asserted herein by plaintiff under Title VII are barred by any time limitation period in Title VII, any statute of limitations, laches, or any failure to comply with any statutory prerequisite to the institution of an action under Title VII.

3. There is no proof that plaintiff was discriminated against because of her sex with respect to pay.

4. The facts fail to establish that plaintiff was discriminated against because of her sex with respect to her requested promotion to the Securities Analyst position. Plaintiff was not qualified to be a Securities Analyst. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* does not require any employer to place an unqualified individual in a position. See, e.g., *Griggs v. Duke Power Co.* (1970), 401 U.S. 424; *Morita v. Southern Cal. Permanente Medical Group* (9th Cir. 1976), 541 F.2d 217, 219. An employer may consider personality traits as well as other qualifications for a position. See, e.g., *Frausto v. Legal Aid Society of San Diego, Inc.* (9th Cir. 1977), 563 F.2d 1324.

5. The defendant's termination of plaintiff on May 15, 1972 did not constitute discrimination because of sex under Section 703(a) of Title VII or retaliation under Section 704(a) of Title VII. Failure to comply with work directives, disruption of the work environment, continued disputes with

coworkers and supervisors constitute a valid basis for termination. See, e.g., *Jack v. American Linen Supply Company* (5th Cir. 1974), 498 F.2d 122; *Barnes v. Callaghan & Co.* (7th Cir. 1977), 559 F.2d 1102.

6. There was no post-termination retaliation by defendant against plaintiff in violation of Section 704(a) of Title VII.

7. If any Findings of Fact also constitute Conclusions of Law, they are deemed the conclusions of this Court and are incorporated herein.

8. Plaintiff having failed to adequately establish that defendant unlawfully discriminated or retaliated against her, defendant's Motion to Dismiss under Rule 41(b) of the Federal Rules of Civil Procedure must be granted.

9. Plaintiff is not entitled to monetary or other relief in this action.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: June 11, 1979.

/s/ William P. Gray
William P. Gray
United States District Judge

Approved as to Form:
LAW OFFICE OF RUSSELL SPECTER
By_____
Attorneys for Plaintiff

Office-Supreme Court, U.S.
FILED
AUG 10 1981
ALEXANDER L. STEVAS, CLERK

No. 80-2166

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1980

MARY TABEROFF,

Petitioner,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Intervenor Respondent

v.

FARMERS GROUP, INC., and

FARMERS INSURANCE GROUP,

Respondents.

Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

PETITIONER'S REPLY BRIEF.

Mary Taberoff
P.O.Box 272
Kempner, Texas 76539

Mary Taberoff, Pro Se
Tel.:(512)932-3129

No. 80-2166

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v.

FARMERS GROUP, INC., and
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Respondents.

PETITIONER'S REPLY BRIEF.

The Petitioner again pleads with the Court to grant this Writ of Certiorari not only for Mary Taberoff but for all the females and all the minorities(male or female) that will come after me.

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(SORRY MY TYPEWRITER WENT ON THE BLINK)

TABLE OF AUTHORITIES

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Rule 17 Supreme Court; I trust in the "judicial discretion" that the Supreme Court will grant me the Writ of Certiorari.

(SHORT TITLES : FARMERS & EEOC)

FIRST: The EEOC and private attorneys presented into District Court Statistical and Documentary evidence of the overall discriminatory employment "Patterns and Practices" of Farmers denying equal employment to females and all minorities. Mary Taberoff is still a Member of the Class Action. Both the District Court and the Appeals Court were "Clearly erroneous" in not giving Deference to this evidence in the case of Mary Taberoff.

SECOND: Answer on page 3 and 4 (a)5 of the Petition.

REPLY TO No. II, Pages 2,3

Judge W.P.Gray ruled on heresay, half-truths and total untruths. Mary Taberoff was professionally qualified for promotion to position of Security Analyst.

SECURITY ANALYST

Business Background was varied in sales and own in jewelry, hat decorating and importing perfumes. Office: Biller, Bookkeeper, Assistant Cashier, Securities Accounting. EDUCATION: Graduated High School 1933. (WPA Program) NYU, drama and dance. Technical School, Miami, Florida, Typing, Shorthand, and Conversational Spanish. IBM Class, Key Punch 89%, Real Estate Law at Fairfax H.S. Eve. Class, Four Courses at UCLA Eve., 1. Investment Principles, 2. Stock Market and Functions, 3. Advanced Real Estate Finance, 4. Construction Costs and Estimating. After dismissal from Farmers, passed the NASD exam "B", Life and Disability Agent, and Pacific Stock Exchange 88%, Pension and Profit Sharing Plans. At Farmers did extensive research in Common Stocks and made monthly Analytical Reports for the Security Analysts. Used Financial Publications extensively.

PAGE 117, EXHIBIT X-4 FILED U.S. COURT OF APPEALS. Note to R.A.Hollyfield

Personnel Director, Farmers: In July 1969 I asked R. W. Rudy, Treas. for promotion to Security Analyst. "When he strongly objected I told him that he was discriminating against me. He said,"Yes, I am discriminating against you because you are a woman and I do not want a woman as an analyst working with the men over there." "He told me that I was being underpaid by at least three hundred dollars per month....."

WEST'S FEDERAL PRACTICE DIGEST 2d - Jan. 1981 Page 163, 44 (5) Sex Discrimination.

C.A.N.M. 1980 "Evidence, including applicant's testimony that employer's vice-president "told me that he would rather not see a woman work out in the field, that I would be better off at home in the kitchen raising babies (and) that as long as he was working for (employer) he would never ever see a woman working in the field and evidence indicating that the vice-president concluded interview with applicant by throwing her application across the desk at her, was sufficient to justify finding by trial court of discrimination on basis of sex against applicant, who sought to be employed as "floorhand" in oil field." Civil Rights Act of 1964,701 et seq. as amended 42 U.S. C.A. 2000e et seq.-Stone v. D.A.&S.Oil Well Servicing, Inc., 624 F.2d 142.

Griggs v. Duke Power Co., 401 U.S.(424) 1971 at 429-430, 91 S. Ct. 849 at 853,28 L. Ed. 2d 158, 163, "the primary objective (of Title VII) was a prophylactic one:" It was to achieve equality of employment opportunities and remove barriers that have operated in the past to favor an identifiable group of white employees over other employees." (OTHERS IN PETITION).

FARMERS COLLEGE REQUIREMENT IS A PRETEXT.

WAGE DISPARITY ISSUE:

Filed: 11-13-75 by EEOC District Court.

Appeals Court: Excerpt A-I Page 11, my page 6:

(4) "In 1974, the average monthly salary for women was $500 while the average monthly salary for men was $1035, more than double that of women. In 1973 and 1972, the average salary of male employees was also more than double the average salary of female employees."

FILED: JANUARY 10, 1977: Plaintiff Intervenor's Answers to Defendants Fourth Interrogatories to Intervenors: Excerpt A-6 my page No.29(Appendix O Page 12):

AVERAGE (MEAN) MONTHLY SALARY BY OFFICE BY SEX
1975

OFFICE	MALE	FEMALE	DIFFERENCE
1. (00) Home Office	$1,183	$697	$486

(FOR JUDICIAL ECONOMY LEAVING REGIONAL OFFICES OUT).
SOURCE: Farmer's Printout RPG-340A-Special "Detailed--Average Salary Paid and Salary Maximums" (1975)

REPLY TO No. II Pages 3,4
Termination

Mary Taberoff was "set up and fired". Her work assignments were downgraded, she had her work interfered with, was harrassed, browbeaten and threatened. She never saw her Personnel file until after the EEOC and private attorneys had investigated and received the file. Personnel never gave her a hearing before discharge. She was never told by her Supervisors or anyone in Personnel that derogatory statements were put in her file against her. THIS ALL TOOK PLACE AFTER SHE HAD ASKED FOR PROMOTION TO SECURITY ANALYST POSITION AND AFTER SHE FILED IN APRIL 1970 with the EEOC against "Farmers" for Sex Discrimination.

R. W. Rudy, Wm. Bock and L. Woo were my various Supervisors. I was fired because of Sex, Female, and filing with EEOC charges.

42-2000e-3 page 312 Note 15.

Inferences

"Inferences from circumstantial facts may frequently amount to full proof of a given theory and may on occasion even be strong enough to overcome effect of direct testimony to contrary". Rutherford v. American Bank of Commerce, C.A.N.M.1977, 565 F.2d 1162.

REPLY TO No. II Pages 3,4

"Circumstances indicating that a representative of prospective employer was sufficiently interested in plaintiff that he made contact with defendant as plaintiff's former employer and did not advise plaintiff until after such contact that she had no chance of employment with prospective employer were such as to permit an inference that, as result of information imparted by defendent to prospective employer concerning act of plaintiff in filing a sex discrimination charge against defendant, plaintiff lost her employment opportunity with prospective employer." Id.

"FARMERS" BLACKBALLED ME.(DOUBLE EMPHASIS).

REPLY TO No. III Page 4, 5,6

Petitioner, Mary Taberoff never selected any attorney. This was done by the EEOC.

SEE:page 3 & 4 (a) 5 Question and Statement.

CONCLUSION: CLEARLY ERRONEOUS (EMPHASIS).

I think that the Supreme Court, after reviewing the complete record will be in a better position to judge what is"factual", "credible" and "TO LOOK BEHIND THE MASK OF EVENTS BEFORE COMING TO A DECISION"(West) (BECAUSE OF JUDICIAL ECONOMY I WILL TRY TO MAKE MY ANSWERS AS SHORT AS POSSIBLE)

FARMERS APPENDIX, PAGES 1-12 :

(REPLY): CONT.:

FARMERS APPENDIX, PAGES 1-12CONT.:

Title of case: Farmers intentionally omitted, EEOC, Plaintiff Intervenor.

All evidence of Plaintiff was in Court with Mary Taberoff, but, not permitted to present.

FINDINGS OF FACT

1. True

2. Half-True: Mary Taberoff employed Jan2, 1962, Title Securities Accountant. Record date never reflected that she had been given title of Bond Accountant.

3. True.

4. True.

5. Half-True (Letter Dated 15,1977 to Defendant's Attorney, signed by Russell Specter)

(1) "Mary Taberoff accepts only as a class representative and not as an individual;

(2) Mary Taberoff intends to exercise her right to have her individual case tried on its merits;

(3) Mary Taberoff does not as an individual accept any limitation on her right to access to any position from which she may have been excluded because of disparate treatment based on sex or an unlawful selection criterion as such limitations may have been imposed on the class by the proposed decree." (ON FILE)

PARMERS APPENDIX PAGES 1-12 CONT.:

PROMOTION CLAIM

6. True.

7. NOT TRUE (Some males received degree after employment) DEGREE A PRETEXT.

8. Not true.

9. College degree cannot measure performance as a Security Analyst. Not a Business neccessity.

10. Half-True. Frank Reinesto, no college, Security Analyst promotion and then to Sr. Security Analyst promotion, hypersensitive, but an excellent analyst. Not Business necessity.(EMPHASIS)

11. True.

12. Not True. Graduated High School 1933, (SEE PAGES 2,3,4,5 THIS REPLY).

13. Not true (See 12) Mary Tabevoff exercised independent judgement and did Analytical Reports for Security Analysts-Month/End, and also, for General Accounting Dept.

14. Not True. (See pages 2,3,4,5,this reply)

15. Not true. The Court heard heresay, half-truths, total LIES(EMPHASIS) spoken and documentary.

FARMERS APPENDIX PAGES 1-12Cont.:

a. Not True. (All Mary Taberoff's Performance Appraisals, Excellent, Very Good.

Important to review depositions of:Mary Taberoff, R. Rudy, L. Woo, Al Von Achnabl, W. Bock, Al Milho, R. Hollyfield, on file: and George Maslach.
District and Appeals Courts.)

1) Not true. Distorted.

2) Not true. Mary Taberoff never used threatening language. It was the Security Analyst job to collect overdue moneys and was turned over to me by R. Rudy Treas.

3)Not true. Distorted.

b.Not True. Mary Taberoff's Intelligence Score 106, above average when first employed. This is how my good name was besmirched. Mary Taberoff never refused to do work for any supervisor. A-31,A-32,A-44,A-62,A-64 not in designation, also, do not have A-61 and a (few others)

c. Not true.

1). Not true. Farmers New World Life sent incorrect information. Later they sent corrected copies.

2) Not true.

3) Not True.

d. Part -True (Was harrassed by immediate Supervisors, W.Bock, L. Woo, and R. Hollyfield, Personnel Dir. (THE REST IS A DOWNRIGHT LIE!! (DOUBLE EMPHASIS)

FARMERS APPENDIX PAGES 1-12 cont.:

e. NOT TRUE.(A BIG LIE,EMPHASIS)

16. TRUE . HIGH RATINGS. BUT, NOT TRUE THAT FARMERS GAVE OVERLY-GENEROUS RATINGS(EMPHASIS)

17. Part True. Frank Reinesto excellent Analyst the rest a lie, as he was Mexican American and mentioned as being discriminated against, since they would not promote him to Manage of Mutual Fund.(CLASS ACTION).

18. Not True.

19. Not true. (SEE ANSWERS TO ALL REPLYS)

EQUAL PAY:

20. Not True. (SEE PAGE 5 of REPLY)

TERMINATION:

21. Not true. (No accusations but ACTUAL FACT OF BEING HARRASSED BY MR. BOCK). (See pages 6,7 of Reply)

22. True.

23. True.

24. Not True. (1½ hr. training)

25. Not True. (MT. Bock threatened me and harrassed me. I never refused to do the work.

26. Not true. (Threatened)

27. Not True. (Threatened)

28. Not true,(NO INSUBORDINATION) Did not refuse to do work.

29. Not true. Did not refuse to do work. (Threatened)

FARMERS APPENDIX PAGES 1-12 cont.:

30. Questionable.

31. Half-True. Plaintiff never threw memo in wastebasket and never refused to do work.

32. Not True. (RECORD SPEAKS FOR ITSELF) (DOUBLE EMPHASIS).

33. Not True. (See Answers to Reply, Pages 6,7.).

RETALIATION:

34. Half-True. This business of Glenda Hendricks not recalling is a total lie(Emphasis)I, Mary Taberoff likes to treat others like human beings. Glenda Hendricks told my attorneys that she had a stroke but, would come to Court to testify for me. I was concerned she might drop dead in Court so did not subpoena her.)

35. COURT COMPLETKY ERRED. (DOUBLE EMPHASIS).

36. FACTS NOT CREDIBLE.(DOUBLE EMPHASIS).

CONCLUSIONS OF LAW Pages 11,12.

1. True.
2. True.
3. Not True. (See Page 5 in REPLY)
4. Not True(See Pages 3,4,5 in Reply)
5. Not True(See Pages 6, 7 of Reply)
6. Not True.(See 6,7 in Reply)
7. QUESTIONABLE.
8. NOT TRUE.
9. NOT TRUE.

THE DISTRICT COURT AND APPEALS COURT: Clearly erroneous)(DOUBLE EMPHASIS)

26-0060 949 11501 5M
PRINTED IN U.S.A. 67

INTER-OFFICE CORRESPONDENCE

USE SEPARATE SHEET FOR EACH POLICY OR CLAIM REFERENCE

☐ FARMERS ☐ TRUCK ☐ FIRE ☐ MID-CENTURY ☐ FARMERS NEW WORLD LIFE ☐ TEXAS COUNTY MUTUAL ☐ PREMATIC

STATE_____ DIST._____ AGENT_____ DATE January 19, 1970

TO: Mr. R. A. Hollyfield

INSURED_____
POLICY —, PREMATIC, OR TRUCK CL NO._____

FROM: Investment Department
DEPT. & REGIONAL OFFICE OR AGENT'S NO.

LOSS DATE_____ GEN. FILES CODE_____

MASTER FILE NUMBER_____

APPENDIX

13-A

Several months ago I spoke with Mr. Rudy and said that I wanted to become an analyst. When he so strongly objected I told him that he was discriminating against me. He said, "Yes, I am discriminating against you because you are a woman and I do not want a woman as an analyst working with the man over there." He told me that I was being underpaid by at least three hundred dollars per month for the work I was doing here...not only once, but at least six times. I am grateful for the cost of living increase. I asked Mr. Bock to speak with Mr. Rudy and with personnel to place me in a higher classification. Now, I am told that Mr. Rudy informed personnel that the work that I am doing is not worth any more than what I am presently earning. How do you reconcile these inequities in this department? I would appreciate the opportunity to discuss this further with you. Thank you.

cc. R. R. Bregal
George Maalach

Mary Taberoff

FARMERS INSURANCE GROUP

FARMERS INSURANCE EXCHANGE
TRUCK INSURANCE EXCHANGE
FIRE INSURANCE EXCHANGE
MID-CENTURY INSURANCE COMPANY
FARMERS NEW WORLD
LIFE INSURANCE COMPANY

Executive Offices

4680 WILSHIRE BOULEVARD
LOS ANGELES, CALIF. 90054
TELEPHONE: (213) 931-1961

ROBERT E. EARLY
EXECUTIVE DIRECTOR

January 2, 1972

Miss Mary Taberoff
232 South Reeves Drive
Beverly Hills, California 90212

Dear Miss Taberoff:

It is with a deep sense of personal appreciation that I extend to you my congratulations on your tenth anniversary with the Farmers Insurance Group. Your support and loyalty to the principles of service and integrity upon which this company was founded have contributed much to its growth and success.

Your efforts in behalf of the company have not gone unnoticed. Persons such as you, who have had considerable experience with us, are a valuable asset. Your conscientious work during the past ten years has indeed helped to make a reality of our slogan "Superior Service".

I trust the time you have spent with us has been pleasant and profitable. I am sure we can look forward to many more prosperous years of association with the Farmers Insurance Group.

Sincerely yours,

Robert E. Early
Executive Director

REE:kmo



APPENDIX

FARMERS INSUR

May 24, 1972

Mary Taberoff

In response to your request, your dismissal was for failure to cooperate with your supervisors.

Donna Taylor

Donna Taylor
Personnel Assistant

15-A (SPECIAL NOTE: GIVEN TO MARY TABEROFF NINE DAYS AFTER DISMISSAL)

JAMES A. MAGDLEN, C.F.A.
Assistant Vice President

Unigard Insurance Group

March 22, 1974

To Whom It May Concern:

In reference to the credentials of Mary Taberoff, during a period of approximately 6 1/2 years, it was my pleasure to work with her while both of us were employed by the Farmers Insurance Group. I found that she was extremely hard working, cooperative and thorough in carrying out her responsibilities. She has the ability to assume responsibility and is not afraid to tackle new projects; in fact, thrives on them. She has always been punctual, possessed good taste in her appearance and was able to communicate effectively with her fellow employees. I would welcome any inquires on her behalf.

Sincerely,

James A Magdlen

Assistant Vice President
C.F.A.

JAM:cmn

APPENDIX

16-A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 11 1979

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

APPENDIX

MARY TABEROFF,

Plaintiff/Appellant,

and

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff/Intervenor,

vs.

FARMERS GROUP, INCORPORATED AND FARMERS INSURANCE GROUP,

Defendants/Appellees.

No. 79-3353

DC#CV74-1108 WPG
CENTRAL CALIFORNIA

17-4-(1)

ORDER

Before: ANDERSON, Circuit Judge.

The Court recognizes that some of the materials submitted by appellant may be irrelevant or not properly part of the record. Hopefully, some of the confusion as to what was before the district court will be cleared up when the district court transmits the record on appeal after appellee's brief is filed. See Rule 4(f), Rules of the United States Court of Appeals for the Ninth Circuit. In the meantime, appellant's pro se brief, while not complying with Rule 28, Federal Rules of Appellate Procedure, does adequately apprise appellee of appellant's contentions on appeal. In the interest of judicial economy, appellee's motion to strike documents is denied, the objections made therein are referred to the panel which considers this appeal on its merits and appellant's opening brief is ordered filed. Appellee is granted an extension of time of forty-two (42) days from the entry of this order in which to file its brief.

All other pending motions, including appellee's motion to correct caption are denied.

J. Blaine Anderson
United States Circuit Judge

1J 10/10/79

APPENDIX

17-4 (2)

APPENDIX

18 4-(1)

San Francisco, Calif. 94101
Telephone: (415) 986-1980

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARY TABEROFF, EILEEN O. AULENBACHER, HAROLD MOORE, and MANUEL VANEGAS, individually and on behalf of all others similarly situated,

Plaintiffs,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Intervenor Plaintiff,

v.

FARMERS GROUP, INCORPORATED and FARMERS INSURANCE GROUP,

Defendants.

AFFIDAVIT OF GLENDA HENDRICK

STATE OF CALIFORNIA)
) ss.:
COUNTY OF LOS ANGELES)

GLENDA HENDRICK states:

1. I am a resident of ~~Oxnard~~ Santa Paula, California and have been employed for several years for several employment agencies, including Snelling and Snelling.

2. I am presently serving as the manager of Snelling and Snelling of Oxnard, using the registered (with the Bureau of Employment Agencies) desk name of Lynn Henry.

3. In November of 1973 I had occasion to receive a letter and resume of Mary Taberoff while working as Manager of

EXHIBIT "A"

18 ▲ (2)

HART & ANDERSON
ATTORNEYS AT LAW
100 BUSH STREET
SUITE 2600
SAN FRANCISCO 94104
864-1550

Snelling and Snelling of Glendale. After talking to Ms. Taberoff on the phone I checked references on her because of the information she had given me regarding her status of no longer being employed by Farmers Insurance Group.

4. At that time I talked to a Mr. Hollyfield of Farmers Insurance Group. Although it has been a long time and I no longer have access to Ms. Taberoff's application, resume and original correspondence I do remember Mr. Hollyfield stating that basically Ms. Taberoff was a troublemaker and a women's libber.

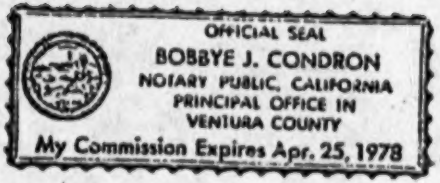
18 ▲ (3)

5. This type of a reference caused me not to work her application. If I know that an applicant will not, get good references from past employers I do not work the application. I work on a commission basis and would be working to no avail if I could not place a person that would not be receiving good references, thus not being hirable.

Glenda Hendrick

GLENDA HENDRICK

Subscribed and sworn to before
me this 26 day of August, 1976.



Bobbye J. Condron
Notary Public

28 A(4)

MARY TABEROFF, PRO SE
P.O.Box 272
Kempner, Texas, 76539
Telephone: (512)932-3129

DATE AUGUST 4, 1981

Mary Taberoff

MARY TABEROFF, PRO SE

CERTIFICATE OF SERVICE

I, Mary Taberoff, Pro Se, under the penalty of perjury, hereby testify that this "Reply Brief" is true and correct to the best of my knowledge. On August 4, 1981, I put respective copies in envelopes, sealed them and mailed from the Lampasas Post Office, Lampasas, Texas, First Class Mail to the following: (40 copies to Court)

Three copies to: Jack N. Halgren, Atty.
Gibson, Dunn & Crutcher of Counsel
2029 Century Park East
Los Angeles, California 90067

Three copies to: Solicitor General
Department of Justice
Rm.5614 Washington, D.C. 20530

Three copies to: Colleen O'Connor, App. Atty.
EEOC
2401 E. ST., N.W.
Rm2294 Washington, D.C. 20506

DATE AUGUST 4, 1981

Mary Taberoff

Mary Taberoff, Pro Se

SWORN TO AND SUBSCRIBED BEFORE BY Mary Taberoff, a credible person, this 4th day of August, A.D. 1981.

Frances Porter

Notary Public in and for
Lampasas County, Texas

Commission expires 4-13-85

Office-Supreme Court, U.S.
FILED
AUG 31 1981
ALEXANDER L. STEVAS,

NO.80-2166

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1980

MARY TABEROFF,

Petitioner,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Intervenor Respondent

v.

FARMERS GROUP, INC., and

FARMERS INSURANCE GROUP,

Respondents.

Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

---

PETITIONER'S SUPPLEMENTAL REPLY BRIEF.

Mary Taberoff
P.O.Box 272
Kempner, Texas 76539

Mary Taberoff, Pro Se
Tel.: (512) 932-3129

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and Record date. (DEPOSITIONS).

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PLEASE NOTE OTHER AUTHORITIES UNDER (1)
AND (3) 4,5

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PETITIONER'S SUPPLEMENTAL REPLY BRIEF.

Material within is pertinent for case of Petitioner recently researched. In addition, date correction and Record dates of APPENDIX Exhibits 13-A to 18A-4 originally filed in PETITIONER'S REPLY BRIEF DATED: AUGUST 4, 1981, and a few others.

rage 2 and(Page 4-No.III)
SECOND: Respondent ("Farmers") under I of their Reply Brief In Opposition regarding Petitioner's trial counsel:

CASES and Materials for a Course on Legal Methods-Robert N. Covington-E.Blythe Stason, John W.Wade-Elliott E Cheatam-Theodore A. Smedley-University Casebook Series:

1969, The Foundation Press: Page 463, Ch.6, Role of the Lawyer- ".....Fundamental fairness to a person accused of a crime requires such judicial guidance of the conduct of a trial that when it becomes apparent appointed counsel are not protecting the accused the trial judge should move in and protect him".

Pt. 2 Page 482-The decision making processes ".....While the Rules of Civil Procedure of The United States District Courts were promulgated pursuant to an enabling Act of Congress, the control over the federal courts bar might be rested on the more fundamental principle of the inherent power of a court to set standards and impose sanctions on those who practice before it. Note that Article III of the Constitution begins,"The judicial power of the United States shall be vested" in indicated courts. The judicial power may well extend over those "officers of the court", the lawyers".

MARY TABEROFF IS NOT A CRIMINAL. She is a female in a Civil Rights Case Title VII.

QUESTION: SHOULD SHE BE DEPRIVED THE SAME RIGHT OF PROTECTION IN A COURT? Federal Rule 8, says,"a just, fair and speedy trial"..."

FEDERAL RULES CIVIL PROCEDURE, Rule 41(b)
28 U.S.C.A. Page 792

41. Failure to prosecute-Generally
"Party should not be punished for his attorney's mistake absent clear record of delay or wilful contempt and finding that lessor sanctions would not suffice." Hildebrand v. Honeywell, Inc., C.A.Tex. 1980, 622 F 2d 179.

43. - Abuse of discretion
" It is an abuse of discretion to dismiss a plaintiff's case for failure to prosecute, where the only evidence of dilatoriness is his or his attorney's failure to attend a pretrial conference, the court has not warned that failure to attend will create risk of dismissal, and the case is still young." Tolbert v. Leighton, C.a.Cal.1980. 623 F 2d 585

47-Miscellaneous cases-
("Court must consider some of the less drastic alternative sanctions before dismissing action"- same case)

Judge W.P. Gray abused his discretion in the individual case of Mary Taberoff. He should have questioned Mary Taberoff just as he questioned the "Defendant's Witnesses " all males and he should have inquired of the attorney on Mary Taberoff taking the stand.

Mary Taberoff should have had the opportunity to rebutt and give all the evidence that was in court, some that was actually on file which to-date has been included in the Supreme Court filings.

VERBATIM FROM: Otis C. Tolbert, Plaintiff-Appellant, v. Elliott LEIGHTON, Defendant-Appellee. No. 78-1038 U.S.Court of Appeals Ninth Circuit. May 29, 1980: Page 586, 587:

[1] *Sua sponte* dismissals for failure to prosecute will be affirmed unless the district court abused its discretion. *Link v. Wabash R.R.*, 370 U.S. 626, 633, 82 S.Ct. 1386, 1390, 8 L.Ed.2d 734 (1962). In *Link*, the Supreme Court upheld such a dismissal for failure to attend a pretrial conference in a case already six years old, where there was evidence that the plaintiff "had been deliberately proceeding in dilatory fashion." *Id.* But the Court made clear that it was not deciding "whether unexplained absence from a pretrial conference would *alone* justify a dismissal with prejudice if the record showed no other evidence of dilatoriness on the part of the plaintiff." *Id.* at 634, 82 S.Ct. at 1391.

The question that *Link* reserved is before us today. Other courts of appeals have held that such an absence, alone, does not justify the drastic sanction of dismissal. *Moreno v. Collins*, 362 F.2d 176 (7th Cir. 1966) (counsel missed status call three months after complaint filed); *Meeker v. Rizley*, 324 F.2d 269 (10th Cir. 1963) (out-of-state plaintiff, pro se, missed pretrial conference three months after complaint filed); *accord, Flaksa v. Little River Marine Construction Co.*, 389 F.2d 885 (5th Cir.) (counsel twice failed to appear at or send prepared substitute to pretrial conferences, and was guilty of other delay, in case less than a year old; dismissal was abuse of discretion), *cert. denied*, 392 U.S. 928, 88 S.Ct. 2287, 20 L.Ed.2d 1387 (1968).

[2] We agree that it is an abuse of discretion to dismiss a plaintiff's case for failure to prosecute where (1) the *only* evidence of dilatoriness is his or his attorney's failure to attend a pretrial conference; (2) the court has not warned that failure to attend will create a risk of dismissal; and (3) the case is still "young."

[3] Especially where one or more of these factors is present, before dismissing a case a district court must consider some of the less drastic alternative sanctions at its disposal. *Anderson v. Air West, Inc.*, 542 F.2d 522, 525–26 (9th Cir. 1976); *Von Poppenheim v. Portland Boxing & Wrestling Comm'n*, 442 F.2d 1047, 1053–54 (9th Cir. 1971), *cert. denied*, 404 U.S. 1039, 92 S.Ct. 715, 30 L.Ed.2d 731 (1972); *see Industrial Building Materials, Inc. v. Interchemical Corp.*, 437 F.2d 1336, 1339 (9th Cir. 1970). There is no indication that the district court here did so; necessarily, then, the court failed to exercise any discretion in choosing among the alternatives.

CLASS ACTION ATTORNEYS: (Taberoff et al, EEOC, P/I, v. Farmers Group et al)

California Law Center, 1434 Westwood Blvd.,

Los Angeles, Calif.

Gail Brod, Attorney , Los Angeles
Max Factor,III, Attorney , Los Angeles
Russell Specter, Attorney , San Francisco
Paul Spiegelman, Attorney , San Francisco
Jerome Garchik,Atty.(Heyhart, Anderson & Freitas, (San Francisco)
Blanche C. Bersch, Atty. Los Angeles
Laura Stevens, Atty. San Francisco
Russell Lombard, Atty. San Francisco
Ronald M. Sinoway, Atty. San Francisco
Representing Legal Division EEOC, San Francisco: Cynthia Gitt, John Rau, Steve Passek et al.

Date Correction Petitioner's Reply Brief, Page 8, No.5: Should read: Dated December 15, 1977

Page 2, APPENDIX: Respondent's Brief In Opposition: No. 2: "through May 1972" is not true. Mary Taberoff was dismissed on May 15, 1972.

PETITIONER'S REPLY BRIEF: PAGE 10: (a), adding names of Mary Baida, and Arthur Ojena: DEPOSITIONS: On file U.S.District Court, Los Angeles, California: Also, requested for filing in "DESIGNATION OF RECORD":

		FILE DATE
Mary Baida, Personnel	Interviewer	3/21/75
Mary Taberoff,	Vol.I, Vol.II, Vol.III	11/20/75
William Bock, Supervisor		6/24/76
Richard Rudy, V.P.& Treasurer Inv.		6/24/76
Albert Milhe, Forms Design &Cont.Mgr.		6/24/76
Alphonso Von Schnabl, V.P. Admn.		6/24/76
Arthur Ojena, Personnel Interviewer		6/24/76
Larry Woo, (Orig.Supr.) Cash Mgr.		7/29/76
George Maslach, Gen. Counsel		12/10/76
Roy Hollyfield, Personnel Dir.		1/11/76

RECORD DATES OF FILINGS: PETITIONER'S REPLY BRIEF: APPENDIX:

	PAGE
Mary Taberoff letter to Hollyfield	..13-A

First appears in Richard Rudy Deposition, date 4/5/76 Exhibit #1, filed: 6/24/76

Robert E. Early letter 14-A
This was filed on several occasions. One on hand is Exhibit X8which was attached to the "Opening Brief of Appellant" U.S.Appeals Court for the Ninth Circuit. FILED: 7/19/79, R'cvd as of 7/9,..(7/7)(DOCKET SHEET).

Dismissal letter(NINE DAYS LATER)....15-A
Filed: Mary Taberoff Deposition, U.S.Dist. Ct.Los Angeles, Exhibit I(Shows up in various filings, U.S. Dist. Ct. and U.S.Appeals Court for the Ninth Circuit).

James A. Magdlen , Credential Letter...16-A

Page 17 Profile on Mary Taberoff, Exhibit X-5, "Opening Brief" U.S.Ct. of Appeals.

Glenda Hendrick Affidavit.....18 A-1,2,3,4
First shows up in "ANSWERS AND OBJECTIONS TO DEFENDANT'S THIRD SET OF INTERROGATORIES, FILED: Jan.6, 1977, U.S.Dist. Ct. Los Angeles, EXHIBIT "A".(Appears many times thereafter.)
IN ORIGINAL PETITION DATED:June 18, 1981, PAGE 44A "FARMERS INSURANCE GROUP JOB DESCRIPTIONS": FILED 3-14-77 by DEFENDENTS, U.S. DISTRICT COURT, LOS ANGELES. I filed U.S. Ct. of Appeals under EXCERPT A-8, 7/19/79, r'cvd7/9(DOCKET SHEET).

RIGHT TO SUE LETTER IN CASE NO.: TLA2 1890
TLA2 1508
TLA0 0780

For Mary Taberoff was dated:
April 22, 1974 and was filed with the first Civil No.74-1108-WPG, April 1974.

SPECIAL NOTE: Before the settlement of the CLASS ACTION, and directly after, several of the attorneys left the case. Paul Spiegelman became a Law Professor, Gerome Garchik became attorney for large Union in San Francisco, Gail Brod and Max Factor III left fairly early after filing because the "Center" ran out of funds.

Today is August 26, 1981. I have not received any of the exhibits that I have requested from Respondent's Attorney. I have been in touch with the U. S. Court of Appeals for the Ninth Circuit and am informed that "Before the week is over" the panel will let the Clerk know the details of sending Mary Taberoff the exhibits she requested, however, I believe it is important to send this Supplemental Reply Brief as quickly as possible.

MARY TABEROFF, PRO SE
P.O.BOX 272
Kempner, Texas 76539

Tel.:(512)932-3129

DATE: August 27, 1981

Mary Taberoff

MARY TABEROFF, PRO SE

CERTIFICATE OF SERVICE

I, Mary Taberoff, Pro Se, under the penalty of perjury, hereby testify that this " PETITIONER'S SUPPLEMENTAL REPLY BRIEF" is true and correct to the best of my knowledge. On August 27, 1981, I put respective copies in envelopes, sealed them and mailed from the Lampasas Post Office, Lampasas, Texas, FIRST CLASS MAIL.

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EEOC
2401 E. St. N.W.
Rm.2294 Wash. D.C. 20506

DATE: AUG. 27, 1981

Mary Taberoff

Mary Taberoff, Pro Se

SWORN TO AND SUBSCRIBED BY Mary Taberoff, a credible person, before me, on this 27th day of August A.D. 1981.

Frances Porter

Notary Public in and for the
County of Lampasas, Texas

Commission expires 4-85

Office - Supreme Court, U.S.
FILED
SEP 14 1981
ALEXANDER L. STEVAS
CLERK

NO.80-2166

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PETITIONER'S SECOND SUPPLEMENTAL REPLY BRIEF.

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APPENDIX

Respondent's exhibit A-61.....1-A-1, 1A-2

NO.80-2166

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---

144 (A Psalm) of David. 7

"Stretch forth Thy hands from on high;
Rescue me, and deliver me out of many waters,
Out of the hand of strangers;
8 Whose mouth speaketh falsehood,
And their right hand is a right hand of lying."

I plead with the Supreme Court not to ignore all my ten questions in the original Petition. Please give me some help. I have the faith of "JOB"; his faith carried him seven years; mine is over eleven years.

42 - 2000e-5 Note 291, Public Health and Welfare 1985-2010 Supp. Phamphlet 1974-1980- Page 739: VERBATIM:

> Charge which concerned various acts of interference, coercion and reprisal by supervisory officials of the Agricultural Research Service of the United States Department of Agriculture where the plaintiff was employed as a technician and which was made in connection with the filing and processing of a discriminatory employment complaint with the Commission was established by clear weight of credible evidence showing that, shortly following plaintiff's position appeal to the Commission and continuing after his discrimination complaint, plaintiff was effectively isolated from his previous work assignments by his supervisor, was denied an opportunity of working on projects for which he had responsibility, and for greater part was removed from significant laboratory activities and was generally assigned to routine tasks on a random basis. Jackson v. Bergland, D. C.D.C.1978, 448 F.Supp. 1146.

Respondents, "FARMERS" did the same to Mary Taberoff, Petitioner.

On September 5, 1981 I received from the United States Court of Appeals For The Ninth Circuit, xerox copies of the "SEALED EXHIBITS" that Respondents had filed with the U. S. District Court, Los Angeles and with the U.S.Appeals Court. There were several that were not in my Personnel file, several had been altered and it is a clear indication that these derogatory filings, ALL BY MALE EMPLOYEES to besmirch the name

of Mary Taberoff, Petitioner. She suffered the same treatment as in the "Jackson v. Bergland," case. Their own documentation, if a good psychiatrist were to review each downgrading note about Mary Taberoff, would recognize the same pattern used against her from the time she requested the promotion to job of Security Analyst until the time she was dismissed. One week pay "in lieu" of notice, refused to give me my three week vacation pay and still further harrassed me by sending three supervisors, Mr. Rudy, Mr. Bock, and Mr. Woo plus Mr. Wechsler, Attorney to the Unemployment office to lie and deny me my unemployment insurance. The Labor Board gave Mary Taberoff the decision in her favor for her vacation pay. Respondents refused to pay it. Labor Board directed Mary Taberoff to go to "Small Claims Court". She won her decision."Farmers" appealed. Mary won her case in "Superior Court". "SHE HAD EARNED THIS MONEY AND THEY COULD NOT TAKE IT AWAY FROM HER". (EMPHASIS).

EXHIBIT OK-17 Decision by Cecil Rupprecht , Deputy Labor Commissioner, CASE #75727-M (1972) 1-11-80 U.S.Appeals Court(Same information filed in U.S.Dist. Ct.)

EXHIBIT X-14 July 7, 1979 to U.S.Appeals Court.(Same information as to U.S.Dist. Ct.) Case #76410, Small Claims Court, Los Angeles. 1972(September).

EXHIBIT OK-16: Superior Court Case#C43964, (March, 1973) Filed U.S.Court of Appeals 1-11-80 and also, filed U.S.Dist. Court(Various dates).

In the "Respondents Brief in Opposition" in the Appendix, Page 5 under b. they list twelve exhibits by MALE SUPERVISORS AND MALE EMPLOYEES who all helped throw mud at Mary Taberoff and made her look like a terrible person. (IN THE JARGON OF THE STREET, "THEY ALL GANGED UP ON HER") (JUST FOR EVIDENCE IN THIS CIVIL RIGHTS CASE) (EMPHASIS!). If you read one, you will have read them all.

Al Fulton was a salesman out of the Santa Ana Regional Office, California.

He had absolutely no Analytical experience in Investments of Bonds or Stocks. He was given a job in the Home Office Investment Department as a Bond Buyer or Bond Analyst. Mr. R. Rudy was training him.

Mary Taberoff should have been promoted to this job. Mornings, Al Fulton worked in the office, afternoons he attended classes, taking investment courses and related , I believe trying to get a degree. However, since Mary Taberoff was familiar with all this Bond work, having done percentage reports on maturities for a twenty year based period per their buying schedule, Al Fulton would turn this work over to Mary Taberoff when he left for school to do all the percentage breakdown for him so that it would be ready for him in his training as a Bond Buyer. I believe he was paid a salary on a full time basis. This letter he wrote to downgrade me is a dirty, filthy distortion and falsehood. Larry Woo was a Cash Manager, my previous Supervisor.

I recall this purchase by Al Fulton, as if it happened yesterday because in a VERY PLEASANT QUIET WAY I tried to explain to Al Fulton that I thought he was misquoting the price. He resented my drawing this to his attention. I went back to my desk, however, it still bothered me to know that it was incorrect and I wanted to make sure that this was what he wanted me to type in the order, so I put a short note on his desk for him to see without getting into any verbal confrontation, and he confirmed that he was correct. I NEVER, NEVER APPROACHED HIM IN A LOUD VOICE NOR DID I EVER, EVER CALL TO HIM IN A LOUD VOICE. Apparrantly, he was embarrassed when he found out about the error. I, Mary Taberoff, would be willing to take an oath on a Bible, in Court that these males put their heads together and had Al Fulton prepare this note just to have another item in the file against Mary Taberoff. However, previous to September 5, 1981, I have never seen this note nor did I know that this was done because it was not in my personnel file when given to the attorneys.

For the purpose of Judicial Economy, after speaking with the Clerk of the Supreme Court and also, the Soliciter General's Assistant, I do not belive it necessary to remark about all the other exhibits. It would be cumbersome and repatitive.

In conclusion, I would be grateful if the Supreme Court would review the Transcript plus the various exhibits and excerpts that were filed in the court below, U. S. Court of Appeals for the Ninth Circuit. Thank you.

A-61 Exhibit number of Respondents, note of Al Fulton to Larry Woo, attached.

A61. 5 (1)

INTER-OFFICE CORRESPONDENCE

USE SEPARATE FORMSET FOR EACH POLICY OR CLAIM REFERENCE.

☐ FARMERS ☐ TRUCK ☐ FIRE ☐ MID-CENTURY ☐ FARMERS NEW WORLD LIFE ☐ TEXAS COUNTY MUTUAL ☐ PREMATIC

STATE _____ DIST. _____ AGENT _____ DATE December 3, 1971

TO:
Larry Woo

Al Fulton

FROM: _____
DEPT. & REGIONAL OFFICE OR AGENT'S NO.

INSURED _____

POLICY-OR TRUCK CL. NO. _____

PREMATIC ACC'T. NO. _____

LOSS DATE _____ GEN. FILES CODES _____

MASTER FILE NO. _____

APPENDIX

1-A-1

Personnel File - Mary Taberoff

On November 30, 1971, I purchased 5,000 shares of Cleveland Electric Illuminating Co., 7.40% Cum. Preferred Stock. I completed the Purchase Advices and delivered them to Mary.

As I handed them to her she began to quiz me in a loud voice to determine what errors she would find. Her approach is not one of helpfulness, rather an attempt to put you down.

The Advice stated 7.40% @ 7.40 net. This was intended to convey the fact that the stock was at Par. While I was on the phone she stuck a note under my nose and asked if the price was 7.40 - I said yes.

She then notified the Life Companies and the banks involved that the price of the stock was $7.40. When the first confirmation came in showing a price of $100 she called my name in a loud voice while I was talking to someone else on an important matter. She called my name 3 times, then ran over to talk to Bill Bock about the terrible mistake I made.

I feel that Mary's attitude is very poor in terms of teamwork and department cooperation. I have not reviewed the contents of this memo with Mary, since I am not her supervisor; however, I would be willing to discuss it with her in the presence of you and Dick Rudy.

APPENDIX

1-A-2

Al Fulton

AF:an

cc: Dick Rudy ✓

MARY TABEROFF, PRO SE
P.O.BOX 272
Kempner, Texas 76539

Tel:(512)932-3129

DATE: September 11/81 Mary Taberoff
Mary Taberoff, Pro Se

CERTIFICATE OF SERVICE

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Rm 2294 Washington, D.C.

DATE: September 11,1981 Mary Taberoff
MARY TABEROFF, PRO SE

SWORN TO AND SUBSCRIBED before this 11th day of September, 1981.

Frances Porter
Frances Porter
Notary Public in and for
Lampasas County, Texas

Commission expires 4-13-85